

BERNARD HAMILTON, C-27300  
SAN QUENTIN PRISON  
SAN QUENTIN, CA 94964  
PLAINTIFF IN PRO PER

FILED

JUL 27 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BERNARD HAMILTON,  
PLAINTIFF,

v

OFFICER ADMIRK, et al. L.;  
DEFENDANTS.

CASE NO. C-06-06268-CW(NJV)

DECLARATION OF BERNARD HAMILTON  
IN OPPOSITION TO DEFENDANT'S MOTION  
TO RESCHEDULE HEARING DATE; OR  
AS AN ALTERNATIVE, PLAINTIFF'S REQUEST  
TO EXTEND DEADLINE TO AUGUST 1, 2012  
TO RESPOND TO DEFENDANT'S MOTION

I, BERNARD HAMILTON, declare as follows:

I AM THE PLAINTIFF HEREIN AND I AM INCARCERATED AT SAN QUENTIN STATE PRISON (SQSP). ON MAY 1, 2012. A TELEPHONE CONFERENCE WAS HELD BETWEEN THE PARTIES WITH MAGISTRATE JUDGE NANCY VADAS. AT THAT TIME, JUDGE VADAS SET A HEARING DATE FOR DEFENDANTS TO BE HEARD ON THEIR MOTION ON JULY 13, 2012. DEFENDANTS REQUESTED THE JUDGE FOR A LATER DATE TO FILE THEIR BRIEF. THAT REQUEST WAS GRANTED AND THE NEW DATE BECAME JUNE 12, 2012. HOWEVER, THE DEFENDANTS MISSED THAT DEADLINE AND, TWO DAYS

LATER, THE DEFENDANTS REQUESTED AN EXTENSION OF TIME TO FILE THEIR BRIEF AND REQUESTED RE-SCHEDULING OF THE HEARING DATE. DEFENSE COUNSEL CLAIMED THAT HE HAD INNOCENTIALLY CALENDARED IN THE WRONG DATE OF THE DEADLINE TO FILE THE BRIEF AND THAT DR TOOTEL HAD NOT BEEN AVAILABLE. THAT REQUEST WAS GRANTED AND THE HEARING DATE WAS RE-SET FOR AUGUST 27, 2012.

ON JULY 12, 2012 DEFENSE COUNSEL HAS FILED MOTION TO RESCHEDULE THE PRESENT HEARING DATE FROM AUGUST 14, 2012 TO AUGUST 17, 2012 BECAUSE HE STATES:

"IN FURTHER REVIEWING THIS ORDER AND FILE IN PREPARATION FOR THIS HEARING, I RECOGNIZED THAT THE HEARING DATE CONFLICTS WITH A PREVIOUSLY SCHEDULED PRESENT COMMITMENT."

( PAGE 2, DECLARATION OF DEFENSE COUNSEL)

DEFENSE COUNSEL'S DECLARATION ALSO STATES THAT I WILL NOT BE PREJUDICED BY THE RESCHEDULING, AND THAT I CANNOT BE EASILY CONTACTED TO OBTAIN A STIPULATION TO EXTENSION OF TIME.

DEFENSE COUNSEL IS CLEARLY DISINGENOUS. THE DATE OF THE HEARING IS AUGUST 14, 2012 AND MORE THAN A MONTH AWAY. THEREFORE, THERE IS NO DIFFICULTY IN COUNSEL CONTACTING ME TO SEEK A STIPULATION. HE DID NOT DO SO BECAUSE HE KNEW I WOULD OBJECT TO IT BECAUSE I AM PREJUDICED BY CHANGING THE DATE. DEFENSE COUNSEL AND DEFENDANTS KNOW THAT MY HEALTH IS FRAGILE AND I AM AT RISK OF SUDDEN DEATH. THEY ALSO

that the ICE they Agreed To permanently provide his  
been stopped and is part of the subject of the up-  
coming hearing. The STOPPAGE of that ice has caused  
me to suffer great physical pain and heart surges  
that is dangerous to my multiple medical problems  
The Defendants know that I do have.

Since 2008, I have been requesting Defendants  
to comply with the agreement to allow me a laptop.  
Their motion to enforce the agreement is without merit  
and is made only to vex, harass, embarrass me, and  
to extend the length of my pain and suffering for  
as long as they can. The defense counsel has not  
shown good cause for rescheduling the hearing, and  
I do object to the rescheduling.

On the other hand, my response to the Defendants' motion  
to enforce the Settlement requires me to obtain documents  
from my medical file that I have requested and still  
have not received from SQSP's Medical Records Office.  
So, I may need a few days beyond my present due  
date of July 27, 2012 to file my response. I have  
no objection to the Defendants motion to reschedule the  
hearing date if I am given until August 1, 2012 to  
file my response to the Defendants motion to enforce  
the Settlement.

I declare under penalty of perjury that the foregoing is true.

Executed July 13, 2012 at San Antonio, Cuff

Signed BH  
BERNARD HAMILTON, PLAINTIFF IN PRO PER.